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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO  
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11 SWINERTON BUILDERS, a California  
12 corporation; and SWINERTON  
INCORPORATED, a California corporation,

13 Plaintiffs,

14 v.

15 AMERICAN HOME ASSURANCE  
16 COMPANY; NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH,  
17 PA.; and DOES 1 through 250, inclusive,

18 Defendants.

CASE NO.: 3:12-cv-06047-EMC

STIPULATION AND ORDER TO CONTINUE  
CASE MANAGEMENT CONFERENCE

19 The undersigned parties, through their respective counsel, hereby stipulate as follows and  
20 request that the Court enter this Stipulation and Order continuing the Case Management Conference  
21 to a later date:

22 (1) On March 14, 2013, the Court heard the parties' oral argument on Defendants' Motion  
23 to Dismiss under FRCP Rule 12(b)(6). At the hearing, the Court ordered additional briefing be  
24 prepared and filed. The parties have complied and are awaiting an Order from the Court.

25 (2) The currently scheduled April 25, 2013, Case Management Conference was set by  
26 Order entered March 5, 2013.

27 (3) The parties desire a continuation of the Case Management Conference to allow time  
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1 for the parties to respond accordingly to the Court's Order on Defendants' Motion to Dismiss under  
2 FRCP Rule 12(b)(6).

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4 /s/ Joseph L. Oliva

5 Joseph L. Oliva, Esquire  
6 Oliva & Associates, ALC  
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8 San Diego, CA 92128  
9 *Attorney for Plaintiffs, Swinerton Builders*  
10 *and Swinerton Incorporated*

/s/ Marc J. Derewetzky

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*Assurance Company and National Union Fire*  
*Insurance Company of Pittsburgh, PA*

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12 **GOOD CAUSE APPEARING, IT IS SO ORDERED** . The CMC is reset for 5/30/13 at 9:00 a.m.  
13 A joint CMC Statement shall be filed by  
14 5/23/13.

15 Honorable Edward M. Chen  
16 United States District Court Judge

